

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	13-CR-622-1
)	
)	
vs.)	
)	
)	
JEREL JACKSON,)	Philadelphia, PA
)	September 10, 2019
Defendant.)	3:10 p.m.

TRANSCRIPT OF RESENTENCING HEARING
BEFORE THE HONORABLE C. DARNELL JONES, II
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Colloquy

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1 (The following was heard in open court at 3:10 p.m.)

2 THE COURT: This is the resentencing in the matter
3 of the United States of America versus Jerel Jackson, a/k/a
4 "Jinx", Criminal Number 13-622.

5 Counsel, would you identify yourselves for the
6 record, please?

7 MS. MORGAN: Good afternoon, Your Honor. Michelle
8 Morgan for the United States and with me at counsel table is
9 Glenn Booth, Special Agent from the FBI.

10 THE COURT: Good afternoon to you both.

11 MR. WILSON: Your Honor, Mark Wilson for the Federal
12 Defenders on behalf of Mr. Jerel Jackson.

13 THE COURT: Good afternoon -- excuse me. And good
14 afternoon, Mr. Jackson.

15 THE DEFENDANT: Good afternoon.

16 THE COURT: Ma'am, would you identify yourself for
17 the record, please.

18 MS. SANTELLA: Talia Santella for the U.S. Probation
19 Office on behalf of Leslie Maxwell.

20 THE COURT: Thank you. I would ask that the oath be
21 administered to those who will testify.

22 COURTROOM DEPUTY: Mr. Jackson, will you stand for
23 me, please. Can you raise your right hand.

24 JEREL JACKSON, DEFENDANT, SWORN

25 COURTROOM DEPUTY: Thank you, sir. You may be

1 seated.

2 THE DEFENDANT: Thank you.

3 COURTROOM DEPUTY: Ms. Santella, could you stand,
4 please. Raise your right hand.

5 TALIA SANTELLA, PROBATION OFFICER, SWORN

6 COURTROOM DEPUTY: Thank you. You may be seated.

7 THE COURT: For the record, on February 5th of 2015,
8 a Federal Grand Jury seated in the Eastern District of
9 Pennsylvania, returned a five-count second superseding
10 indictment charging the defendant, Jerel Jackson, with sex
11 trafficking of a minor or by force in violation of Title 18 of
12 the United States Code, Sections 1591 and 1594(a), that being
13 Counts 1 through 5; and sex trafficking by force in violation
14 of Title 18 of the United States Code, Sections 1591 and
15 1594(a), Counts 2, 3 and 4.

16 On March 18th of 2015, the defendant appeared before
17 this Court at which time he entered an open plea of guilty to
18 Counts 1 through 5 of the second superseding indictment.

19 On June 2nd of 2016, Mr. Jackson was sentenced by
20 this Court after a lengthy sentencing hearing. This Court in
21 imposing sentence took into consideration all factors required
22 in fashioning an appropriate sentence consistent with the
23 relevant statutory sentencing scheme, including Section
24 3553(a) factors, the United States Sentencing Guidelines,
25 sentencing memoranda of counsel and all statements of record

1 including the allocution statement of the defendant.

2 At the conclusion of the sentencing hearing, this
3 Court imposed a sentence as follows:

4 Count 1, 180 months incarceration; Counts 2, 3 and
5 4, 180 months incarceration to run concurrently, one with the
6 other, and concurrently with the sentence imposed on Count 1;
7 Count 5, 180 months incarceration to run consecutively to the
8 sentence imposed on Counts 1 through 4 for a total period of
9 360 months or 30 years incarceration.

10 Now, regarding the Sentencing Guidelines
11 calculations, the United States Probation Department and this
12 Court originally determined that the offenses did not group
13 and calculated the adjusted offense level for each count and
14 determined a total of four units would be added to the highest
15 adjusted offense level of 42.

16 This resulted in a total offense level of 43 and at
17 the applicable Criminal History Category of V, a Guideline
18 range of life in prison was appropriate -- appropriate in the
19 sense that that was what was reflected in the United States
20 Sentencing Guideline schematic.

21 At sentencing on June 1st of 2016, this Court
22 sustained certain objections to some of the enhancements in
23 the individual groups which lowered the highest adjusted
24 offense level to 40. This resulted in the assessment of one
25 unit for each group for a total of five units, and Section

1 3D1.4 of the Guidelines directed where a multiple-count
2 adjustment generates a total of five units, four levels are
3 added to the highest offense level. The Court instead applied
4 a five-level increase which resulted in a total offense level
5 of 43 and a Guideline range of life. The Court, for the
6 record, did not impose a sentence of life in prison.

7 As was Mr. Jackson's right, he filed an appeal of
8 this Court's decisions. In a decision of the Court of Appeals
9 in October of 2017, it was ordered that this Court resentence
10 Mr. Jackson because the Appellate Court agreed with Mr.
11 Jackson in pertinent part as follows:

12 "That his sentencing range was erroneously
13 calculated in applying United States Sentencing Guideline,
14 Section 3D1.4 to obtain the combined offense level. Here,
15 although the District Court correctly determined that five
16 units were present, it incorrectly increased the combined
17 level offense adjust to five levels rather than the proper
18 four levels. The Government concedes that Mr. Jackson's
19 Guideline range was erroneously calculated and that this
20 miscalculation affected his substantial rights."

21 The Court opinion goes on to state, "Accordingly, we
22 will vacate the sentence and will remand the case to the
23 District Court for resentencing."

24 Within that, they cite, "United States vs. Mateo-
25 Medina," and state, "We generally vacate a procedurally

1 deficient sentence and remand for resentencing."

2 Now, this Court, meaning me, acknowledge -- and I
3 humbly acknowledge my error consistent with the findings of
4 the Court of Appeals. Therefore, acknowledging the correct
5 four-level increase, the total offense level was 42, not 43.
6 The defendant's Guideline range, therefore, is 360 months to
7 life in prison. So, essentially, the numbers were never
8 affected. It was procedurally deficient and nothing more.

9 The instant offense occurred from November 12th --
10 2012, excuse me -- through October of 2013. Therefore, both
11 the Sentencing Reform Act of 1984 and the Anti-Terrorism and
12 Effective Death Penalty Act of 1996 apply, including the
13 Mandatory Victims Restitution Act of 1996.

14 As there are no ex post facto issues, the addition
15 of the Sentencing Guidelines Manual used to calculate the
16 Guidelines in the report, is that incorporating amendments
17 effective through November 1st of 2014, is that correct, or
18 '16?

19 MS. MORGAN: 2014.

20 THE COURT: All right. There is a Presentence
21 Investigation Report which was prepared by Senior United
22 States Probation Officer, Ms. Leslie Maxwell, on June 10th of
23 2015, and revised on June 24th of 2015.

24 Mr. Wilson, have you discussed that report with your
25 client?

1 MR. WILSON: Yes, Your Honor.

2 THE COURT: And, Mr. Jackson, have you read the
3 report or was it read to you, sir?

4 THE DEFENDANT: We was waiting on the revised
5 report, so we -- yes, the one from 2015, yes.

6 THE COURT: All right. Now, are there any
7 objections to the Presentence Report?

8 MR. WILSON: There are, Your Honor, objections that
9 I submitted December 28, 2018, by letter, I think it was
10 addressed to Your Honor and copied to the Government and Ms.
11 Maxwell, in which I raised certain objections to the version
12 of the report that's dated June 24, 2015.

13 I noted first in that letter that it was my
14 understanding that Your Honor had previously ruled at the
15 initial sentencing on June 2nd of 2016, that a defense
16 objection to the application of two enhancements in the June
17 24, 2015, report be sustained. The report has not been
18 changed to reflect that.

19 However, with those enhancements removed, and those
20 would be the enhancements in paragraphs 28 and 54, with those
21 enhancements removed, the adjusted offense levels in paragraph
22 34 and in paragraph -- and I think I put 56 and I meant 59 --
23 would be reduced to 38 and 40 respectively. And I think Your
24 Honor based your calculation of the Guidelines the last time
25 based on those, but just so it's clear, I am renewing that

1 objection that was sustained previously and has not -- there
2 has been no amended report as of yet.

3 Your Honor, I also objected to the two-level
4 enhancements in paragraphs 34, 42 and 48, and they're all
5 related to the same particular enhancement. And I -- I
6 apologize, 34 is incorrect. It should be in paragraphs -- I'm
7 trying to think of what report -- there are enhancements on
8 three of the counts, Your Honor, with respect to 2G1.3(b)(4).

9 MS. MORGAN: 36, 42 and 48.

10 MR. WILSON: Yes, 36, 42 and 48.

11 THE COURT: Counsel, I think we might simplify this
12 somewhat if I allow counsel for the Government to address
13 these, because as I recall, the Government agreed to certain
14 modifications proposed by the defendant, and we might be able
15 to address that without any further complication.

16 MR. WILSON: If that's the case, Your Honor, I would
17 defer.

18 MS. MORGAN: Your Honor, there was some agreement as
19 to certain enhancements not applying to certain groups. The
20 Court did rule at the last hearing that the obstruction
21 enhancement did apply to certain groups, and the Government
22 asserts the same reasons in this hearing, that it should
23 continue to apply.

24 If we look at the groups individually, it is the
25 Government's position with respect to Group 1 which relates to

1 Person 1, that the defense is correct that the two-point
2 enhancement for custody and control does not apply, and the
3 resultant offense level for that group is 38.

4 With respect to Person 2, Group 2, I believe the
5 parties are in agreement that 36 is the appropriate level.

6 THE COURT: Now, do you agree with that, Mr. Wilson?
7 Because I had originally listed that as 34.

8 MR. WILSON: I believe that should be 34, Your
9 Honor, because I believe the enhancement in paragraph 42, that
10 the offense involved the commission of a sex act pursuant to
11 2G1.3(b)(4) should not apply because the individual in that
12 case was not a minor.

13 MS. MORGAN: That's correct, Your Honor.

14 THE COURT: All right. Group 3?

15 MR. WILSON: So that -- that should be 34 in
16 paragraph 46.

17 MS. MORGAN: So it should be 34 for Group 2, Your
18 Honor. With regard to Group 3, we have the same issue. That
19 enhancement should not apply, so the ultimate level should be
20 34.

21 With regard to Group 4, the same issue, the two-
22 point enhancement for commission of a sex act should not
23 apply. And so that group would be a 36. And Group 5, without
24 the custody and control enhancement, that group is 40.

25 So what that means, Your Honor, is that Group 1 gets

1 one unit; Group 2 gets a half unit; Group 3 gets a half unit;
2 Group 4 gets one unit, and Group 5 gets one unit for a total
3 of four units, which means adding to the highest offense level
4 of 40 results, with a plus-four of 44, minus two for
5 acceptance of responsibility yields an ultimate total offense
6 level of 42.

7 THE COURT: Counsel, that's what I have as well,
8 exactly that. Do you disagree, Mr. Wilson?

9 MR. WILSON: No, Your Honor.

10 THE COURT: All right.

11 MR. WILSON: I do renew, Your Honor, the objections
12 as I did in my letter of December 28th, 2018, I renew the
13 objections to the application of the obstruction of justice
14 enhancements that Ms. Morgan had just talked about, and those
15 are with respect to Count 4 and Count 5 or Group 4 and Group 5
16 as they were referred to.

17 If those enhancements were removed, the total
18 offense level would drop down to 40 rather than 42.

19 MS. MORGAN: I would note, Your Honor, I maintain
20 the position that the obstruction enhancement applies. Your
21 Honor will recall that in the pretrial motions hearing, Your
22 Honor heard recordings from the FDC of the defendant
23 contacting Victims 4 and 5 in this case --

24 THE COURT: Which is why I originally overruled the
25 objection that was made.

1 MS. MORGAN: Correct. So the Government maintains
2 its position that the obstruction enhancement applies.
3 However, even if it were not to apply, the Guideline range is
4 still 360 months to life.

5 THE COURT: Indeed. Nevertheless, the Court does
6 believe it applies, counsel, so the objection is overruled.

7 MR. WILSON: And not -- I raise those for the -- for
8 the record, Your Honor.

9 THE COURT: Surely.

10 MR. WILSON: Your Honor, the last issue that I had
11 objected to that I don't think has been ruled on, because I
12 think Your Honor had indicated previously that you were taking
13 into account that he had gotten a GED at -- at St. Gabe's, and
14 -- but there is an issue with respect to paragraph 77 of the
15 report prepared on June 24th of 2015.

16 It indicates in that -- in the report that the
17 conviction was for carrying a firearm without a license and
18 institutional vandalism. It shows a Municipal Court number.
19 It says that the arrest was November 19th of 2011, but it
20 shows a Municipal Court number that has a 2006 date on it.
21 However, when you plug in to the computer, the 49-246-2011
22 number, it's a case actually involving an arrest for
23 possession of marijuana for which there was a guilty plea with
24 no penalty.

25 And if there's no penalty, then there's no sentence

1 for which a point should be awarded. And if no point is
2 awarded, his total point level drops down to nine, not ten,
3 and would put him at Criminal History Category IV and not
4 Criminal History Category V.

5 THE COURT: And the Guideline range, assuming that
6 that was accurate, would be still 360 months to life, correct?

7 MR. WILSON: It -- it would not change the Guideline
8 range, Your Honor. It is significant for purposes of
9 determination of his security level at the -- within the
10 Bureau of Prisons. And it's also -- it should be -- he
11 doesn't have an additional conviction for a firearm. It was
12 for possession of marijuana.

13 THE COURT: Let me hear from the Government on that
14 one.

15 MS. MORGAN: Your Honor, as indicated in the
16 Government's letter of January 4th, 2019, to the Court, it is
17 not accurate to say that the Guidelines award no points. It
18 is accurate to say that the Guidelines do not address the
19 issue of a conviction without a penalty, because such an
20 outcome I would suggest to the Court seems highly unlikely,
21 and I'm not sure what the documentation is to support that
22 actual outcome.

23 But in any event, what the Guidelines do speak to in
24 Application Note 3 to Section 4A1.1 as well as Section
25 4A1.2(f), is that a diversionary disposition, in other words,

1 resulting in no actual term of incarceration or probation, is
2 counted where it results from a conviction.

3 And in light of the fact that a diversionary
4 disposition would result in a point being awarded, the
5 Government submits that a conviction with "no penalty" should
6 also result in a point being awarded, because it's essentially
7 the same outcome. And the Court is correct that even if the
8 defendant has nine points rather than ten, the Guideline range
9 remains 360 to life.

10 THE COURT: All right. And the Court understands
11 Mr. Wilson's position regarding at least potentially --

12 MR. WILSON: It has potential consequences down the
13 line, Your Honor, with respect to his security level
14 calculation.

15 Your Honor, I can hand up a -- Your Honor, I just
16 hand up a copy of the First Judicial District of Pennsylvania
17 Court summary. I've highlighted it by --

18 THE COURT: Thank you.

19 MR. WILSON: -- the conviction at issue. And I'd
20 like to note I believe the error in paragraph 77 is that the
21 presentence investigator looked up the conviction under the
22 Case Number 49-246-2006. I did the same and found out that it
23 -- it is for a -- somebody else's conviction. It is for
24 carrying a firearm. It is not the conviction of the arrest of
25 2011.

1 THE COURT: Was not this Judge a Municipal Court
2 Judge?

3 MR. WILSON: The Judge who --

4 THE COURT: Segal (phonetic).

5 MR. WILSON: Yes, Your Honor. And as you see on
6 there, it's an MC number.

7 THE COURT: Yes, it's an MC number, a Municipal
8 Court number and not a Common Pleas Court number.

9 MR. WILSON: And in 2011 carrying a firearm was
10 considered a felony not a misdemeanor anymore.

11 THE COURT: Surely. All right. Counsel, I'll
12 accept that modification. Again, in terms of the Sentencing
13 Guidelines, it does not affect it. So that the --

14 MR. WILSON: My point with respect to the no further
15 penalty, Your Honor, I don't know whether -- the Guidelines
16 Criminal History calculations are based on sentences, not
17 convictions, and there is no indication as to how a conviction
18 with no further penalty should be treated under the
19 Guidelines, whether it should be given points or not. And I'd
20 say since the Guidelines don't mention that, that no points
21 should be given. It's not a sentence.

22 THE COURT: If the Court does not give it a point --

23 MR. WILSON: It does not change the Guidelines. It
24 does lower his Criminal History Category from a V to a IV.

25 THE COURT: All right. I will accept that

1 modification, and it will be lowered from V to IV. So,
2 counsel, that is 42, IV?

3 MR. WILSON: That's -- that's correct, Your Honor,
4 based on the Court's current rulings.

5 And, Your Honor, I would want to make it clear that
6 it is, as an adult, that that -- that listed conviction in
7 2011 is not for carrying a gun, but it is for possession of
8 marijuana.

9 THE COURT: Well, that's what the sheet --

10 MR. WILSON: I would ask that that be changed also
11 with -- yes.

12 THE COURT: -- that's what the sheet says. So --

13 MR. WILSON: And if -- Your Honor, if I can take
14 that back, I'll give it to Ms. Santella so that --

15 THE COURT: That's just fine and so ordered.

16 MR. WILSON: Thank you, Your Honor. I think that's
17 -- those were the extent of the objections I had to the June
18 24th, 2015, report.

19 THE COURT: Very well. All right. Having thoroughly
20 reviewed the report, the Court adopts as its own, the findings
21 of fact and conclusions set forth in pages one through 25 of
22 same with the exception of the adjustments made based upon the
23 Court's rulings on the objections lodged in this record.

24 Now, although the Sentencing Guidelines are no
25 longer mandatory, I recognize that I must consider them with

1 all other factors in fashioning an appropriate sentence
2 consistent with Title 18 of the United States Code, Section 18
3 -- excuse me -- Title 18, Section 3553(a).

4 Accordingly, I must determine what the applicable or
5 arguably applicable Guideline range is, and I must consider
6 the policy statements included within those Guidelines, and
7 having done so, I must determine the facts appropriate for
8 imposing a reasonable sentence in this matter.

9 And this is true whether or not there have been
10 objections made to the report, and that, counsel, under the
11 circumstances, the Court would procedurally allow for any
12 additional argument that needs to be made as well as any
13 witnesses who would appear on behalf of either the Government
14 or the defendant or the defendant's own allocution right.

15 MS. MORGAN: I don't have any witnesses, Your Honor.

16 MR. WILSON: Your Honor, there are several people,
17 obviously, who have turned up for -- on behalf of Mr. Jackson
18 and I have indicated to them that they each have the
19 opportunity if they wish to come up and speak to Your Honor at
20 the podium, and I just defer to whoever wants to come up now,
21 just come up one at a time. You can just approach the podium
22 on that side of the table.

23 COURTROOM DEPUTY: Good afternoon, ma'am.

24 MS. DeVAUGHN: Good afternoon.

25 COURTROOM DEPUTY: I'm going to ask you to state

Statement of Ms. DeVaughn

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1 your full name, provide the spelling of your last name for the
2 record.

3 MS. DeVAUGHN: Tamika DeVaughn, D-E-V-A-U-G-H-N.

4 COURTROOM DEPUTY: Can you raise your right hand.

5 TAMIKA S. DeVAUGHN, DEFENDANT'S WITNESS, SWORN

6 COURTROOM DEPUTY: And you're Mr. Jackson's mother?

7 MS. DeVAUGHN: Yes.

8 COURTROOM DEPUTY: Thank you.

9 THE WITNESS: Good afternoon, Your Honor.

10 THE COURT: Good afternoon. For the record, the
11 Court has received a written communication from one Tamika S.
12 DeVaughn, dated September 10th, 2019. Is that you, madam?

13 THE WITNESS: Yes.

14 THE COURT: Has counsel for the Government received
15 or seen this?

16 MS. MORGAN: Yes, Your Honor.

17 THE COURT: All right. Madam, I'll hear from you.

18 THE WITNESS: Okay. Good afternoon, first of all.

19 THE COURT: Good afternoon.

20 THE WITNESS: I want to thank you for just allowing
21 us to come back before you. I know that Jerel has done things
22 and he has consequences for his actions. However, I just
23 wanted to let you know that he is not the person that appears
24 on that paper, all of -- all of it.

25 So I'm just asking you to please have some leniency.

Statement of Ms. DeVaughn

19

1 I know you're going by your Guidelines. I was listening very
2 carefully, but I'm just asking you to have some leniency,
3 because that is my son and I love him and I would love to
4 see him back in his family at some point in his life and my
5 life.

6 30 years is a lot for anybody. I don't excuse
7 anything that he may have done, but it's so difficult for me
8 -- it's so difficult for me. He's my only son and I just love
9 him and I want him to do the right thing. Always I have --
10 but I have -- I raised him by myself. And, again, we don't
11 come from a bad family. He made some bad mistakes, but he has
12 a lot of support, and we're all willing to -- we want to help
13 him do better and do the right thing.

14 And I don't understand all of this legal stuff, but
15 I just know that I miss my son and I can't see him and it
16 hurts really bad. I just don't know what else to do. I just
17 -- I just beg for your mercy to please have mercy on my family
18 because we miss him a lot.

19 And even being down here in Center City, they --
20 something went on at the -- at the prison, and I haven't seen
21 my son since May 11th when my aunt passed away, and I went to
22 see him and he was, you know, in the SHU for whatever reason,
23 I don't know.

24 But they have not let me see my son since. I
25 haven't hugged my son, touched my son or anything. So it's --

Statement of Ms. DeVaughn

20

1 it's so hard for me because when he finished being sentenced,
2 they want to send him away far, so I'm still not going to see
3 him. And I've written letters and did everything that I
4 possibly could do and I'm still not getting any results.

5 So I'm just asking you to just consider whatever you
6 can consider to help me and my family and his daughter. I
7 didn't bring her because I didn't want her to hear any of this
8 or see her dad like that, but she's 13 and she needs him, too.

9 That's all. Thank you.

10 THE COURT: Thank you, ma'am.

11 MR. WILSON: Thank you, Your Honor.

12 THE COURT: For the record, the Court has received
13 communications in writing from Natia or Natia L. Brown
14 (phonetic), Samira Martin (phonetic), John and Rene Brown,
15 Rosetta Meares (phonetic) and Edward H. Louis. These letters
16 will be incorporated into today's record. I will not read
17 them onto the record, but they will be incorporated into the
18 record and made a part of the record.

19 In pertinent part, each one speaks to supporting Mr.
20 Jackson, their history with Mr. Jackson and their request for
21 leniency and understanding in sentencing of Mr. Jackson.

22 Mr. Wilson?

23 MR. WILSON: Thank you, Your Honor.

24 Your Honor, I sent a sentencing memorandum, a short
25 sentencing memorandum some time ago. One of the things that I

1 did not mention in the sentencing memorandum, and I would
2 start off with is, some things have changed since my client
3 appeared before you last aside from the reframing of the
4 Sentencing Guidelines, the applicable Sentencing Guideline
5 range.

6 My client has been actively involved in classes
7 while in custody, and the Supreme Court has recognized that
8 Your Honor can consider post-offense rehabilitation. It's --
9 it's hard when you're in prison, especially when you're in
10 detention as opposed to being in prison as a sentenced inmate,
11 and he's been in detention essentially since the -- since he
12 was sent back here as a result of the Third Circuit decision.

13 I hand up to the Court a print-out of the classes
14 that he's taken while he's here, and -- and I find it somewhat
15 remarkable simply because I do have clients who tell me, oh,
16 there's no classes available to detainees over at the Federal
17 Detention Center and yet my client has managed to find a
18 number of classes that -- and completed those classes.

19 Most involve -- I think about seven or eight of them
20 there involve efforts to qualify for a CDL license and he has
21 indeed qualified for a CDL license while he's been in custody.
22 He also has taken the first level of Spanish courses and
23 completed that to try and learn Spanish as a second language.

24 He has not been sitting around doing nothing while
25 he's in custody and I would ask the Court to take note of

1 that, that he is somebody who's interested in improving
2 himself in making up for the educational deficits that he had
3 as a youth.

4 And the -- the report really mentions very little
5 about his education other than that at one point he was sent
6 to St. Gabe's as a juvenile, and while at St. Gabe's, as Your
7 Honor has found, he earned a GED there.

8 So when he went to school, when he had structure, he
9 -- he did fairly well. He certainly did better than he was
10 doing when he didn't have the structure, and this is a man who
11 grew up without much structure in his life other than the time
12 that he was at St. Gabe's. He has -- and so those are all
13 characteristics that the Court can take into account and what
14 he's done since.

15 There is a need for punishment. Obviously, 3553(a)
16 speaks to that. There's a need for creation of respect for
17 the law, and there's a need for deterrence of others,
18 deterrence of Mr. Jackson. I would suggest and I recognize
19 that this was suggested to Your Honor in the prior sentencing,
20 but 15 years mandatory in this case -- or the mandatory in
21 each of the -- on a couple of the counts -- is an extensive
22 period of time for -- especially somebody who is in his
23 thirties.

24 It's an amount of time that would allow him to
25 continue to improve himself, to give himself employable skills

1 when he gets out. And I recognize that he had no history of
2 employment coming in. It -- it allows him to reflect on what
3 he has done wrong. It takes him away from society for a
4 substantial period of time.

5 It doesn't appear that there is any need to sentence
6 him beyond that 15 years other than punishment for the
7 seriousness of the offenses. And I would challenge that it's
8 even necessary to go beyond the 15 years for that in this
9 case.

10 One of the things that my client will tell you is
11 that he has been cooperating with Klein and Specter. He was
12 contacted by one attorney from there, and he's been
13 cooperating with them in a lawsuit that they have for women
14 who were child victims. They're suing the hotel or the motel
15 up on Roosevelt Boulevard where much of this activity has
16 occurred, and my client has been cooperating with them in
17 their representing the plaintiff victims in that case. He is
18 somebody who is seriously interested in turning his life
19 around.

20 Even a sentence of 30 years, he will very likely get
21 out some day, that he -- that he will be in his fifties when
22 he completes a 30-year sentence. And so the question is what
23 -- what does society need in terms of punishment from him that
24 would cause him to be released in his thirties rather than his
25 -- in his fifties rather than his forties when he would not

1 have been so far away from society that he can't become a
2 contributing member?

3 It's much, much harder for a man in his late fifties
4 to get a job than it is for a man in his forties to -- to get
5 a job. I would just suggest that that's a factor that needs
6 to be considered in what is the amount of time that is
7 sufficient but not greater than necessary to meet the goals of
8 sentencing in this case.

9 He is -- he is trying -- he has demonstrated so far
10 that he is trying to change his life. He recognizes that he
11 must be punished. He recognized that he was pleading guilty,
12 when he was pleading guilty, that Your Honor had to sentence
13 him to 15 years and so he was pleading guilty to a lot of
14 time.

15 And he is trying to do things to -- to make things
16 better, not just for the -- for himself and for his family,
17 but also for the people who were victimized in his activity
18 and others who were operating in a similar fashion to him.

19 For all of those reasons, I would suggest a sentence
20 well below the 30 years that was previously imposed, and I --
21 you know, I respect Your Honor's view on all this, but I would
22 suggest that 15 years is a lot of time, and it -- and it could
23 easily be characterized as sufficient but not greater than
24 necessary to meet the goals of sentencing in this case.

25 Thank you.

Statement of the Defendant

25

1 THE COURT: Thank you, sir.

2 Mr. Jackson, you have a right of allocution. If you
3 wish to say anything to me, you can at this time, sir.

4 THE DEFENDANT: All right. Good afternoon, Your
5 Honor.

6 THE COURT: Good afternoon.

7 THE DEFENDANT: Okay. I'm back before you to be
8 sentenced once again. This time around is much different for
9 me. I've grown in so many ways and experienced so many
10 different things over the past few years.

11 I learned a lot about myself and others and how to
12 appreciate the people in my life who truly cares about me. It
13 took a long time, but at this point in my life I'm just
14 learning how to live all over again, because, clearly, the way
15 I was living before was incorrect.

16 If you could remember, the last time I was in here,
17 my family and friends packed this courtroom for about two days
18 straight. Today a lot of those people are no longer in my
19 life. I lost a lot of people to the test of time. Some of
20 these people has even died and I'll never get to spend time
21 with them again. But I lost a lot of experience as far as my
22 relationships with my friends and family.

23 Most of all, I lost myself emotionally and mentally.
24 I'm not the same person. And, of course, it's not a totally
25 bad thing, sometimes -- but sometimes it's hard to acknowledge

Statement of the Defendant

26

1 all the good I've done as well when it feels like I'm just
2 doomed from life for what seems like forever. But a lot of
3 that change has to do with my new growth and a lot of that has
4 to do with the time I was given.

5 I act strong of body, but honestly, emotionally and
6 mentally, it broke me, it broke my spirit, all because of some
7 bad decisions I made and now I'm the one that has to live with
8 this pain. To make up for my sins, though, I try to help
9 people in many ways that I can. I try to encourage the
10 younger people to live better and not feed into the hype of
11 the so-called easy route because it pays off in hard time and
12 the price isn't worth it.

13 I can't change my past, and I am truly ashamed for
14 ever contributing and to hurting anyone because now I just try
15 to live in peace. But like I said before, I'm so far removed
16 from the person that I once was that I barely recognize myself
17 in the mirror.

18 You told me at my last sentencing that you can kill
19 the spirit of a person and they can still walk this earth. No
20 disrespect, Your Honor, but that's what I felt like you did to
21 me when you sentenced me to 30 years. It didn't hit me right
22 away, but when I got places and saw how bad it was, how
23 miserable and dangerous it was, how groups of people would
24 literally go to war with each other over the tiniest things
25 that don't even matter is when it hit me.

1 Now, and that mixed with losing my friends and
2 family, you know, it just killed me. I realized that this is
3 my reality, and there's a strong possibility that I might not
4 make it home. I could be hurt or even be forced to hurt
5 someone else just to save my own life. And that reality is
6 psychologically disturbing. It haunts me -- not a dream but
7 my reality.

8 It's programs in the prison, but there is no true
9 rehabilitation in these places and it's sad for those of us
10 who really want help, want to practice integrity, so we can
11 get out, be productive, live right, show the growth for the
12 people that doubted us as well as prove it to ourselves. But,
13 unfortunately, these places either make your heart cold --
14 colder or they drive you crazy.

15 If I do 20 more years of this, I don't know what --
16 what I might do -- I mean, what I might do when I get home. I
17 be like a war vet or something with PTSD. It's designed for
18 me to fail, and that's only if I make it home with my sanity
19 and/or my health. The rehabilitation is within the person not
20 the prison, and I can honestly say that I'm striving to do
21 better.

22 Yes, sometimes things happen in jail and I
23 periodically slip up, but my goal is to wake up every day a
24 better person than I was yesterday. It takes -- it's hard
25 work and an earnest effort. Now, I understand -- now, I

1 understand I did not, you know, assist the law enforcement in
2 any way and I can't get less than my mandatory minimum of 15
3 years.

4 But I did tell my story to the civil lawyer from
5 Klein and Specter that my lawyer -- Mr. Wilson was talking
6 about who represents young women who were allegedly
7 prostituted as minors in the civil suit against the Days Inn,
8 Roosevelt and different hotels including but not limited to at
9 least one of the victims on my case. I figure financial
10 compensation for my victim and all the other victims that the
11 lawyer represents is a start.

12 And the hotels, he goes out there, loses their money
13 and gets shut down, and that's another step in the right
14 direction of stopping prostitution in places that enables you
15 with children to work as prostitutes. I'm already doing my
16 time and now I'm just trying to do my part.

17 I will hope you consider my effort when making your
18 decision. Your Honor, I'm already doing better mentally. I
19 want to come home some time in the near future or whenever so
20 I can prove that I can do better for real. I been programming
21 and I received all my hours and a certificate for my CDL, so I
22 will be able to seek employment in that field upon my release.

23 And, of course, I'll keep trying to better myself
24 day by day. I ask that you allow consecutive terms of 15
25 years to run concurrent with the others. I feel like that

1 still would protect the integrity of the public, set the
2 standard, 15 years is a long time and that will deter people
3 from wanting to, you know, be involved in this field of
4 prostitution and things like that.

5 Again, I assure you that I'm done living a life of
6 crime. This isn't for me anymore. When you last departed
7 from my life sentence Guidelines, you gave me 30 years, and I
8 appreciate that, because if not for that time, I'm not sure if
9 I would have grown up so quickly and I really probably
10 wouldn't have had to -- if I didn't have to feel that pain,
11 I'm not sure I would have been thinking the same way I think
12 today, and I'll -- I'll be, you know, moving in my life. So I
13 thank you for that.

14 I know life is precious and I would like to share
15 some of my youth with my children and the rest of my family
16 again. So once again, I just ask that you depart from the
17 Guidelines and consider running the sentences concurrent which
18 would bring me to my mandatory minimum.

19 And I also ask for your recommendation to be
20 transferred to FCI Fairton due to the sensitive nature of my
21 case. Plus there's additional programs there that I want to
22 take, and that's the closest yard with these programs in this
23 region. That recommendation would go a long way and be very
24 helpful in my rehabilitation.

25 Thank you, Your Honor. I have nothing further.

1 THE COURT: Again, for the record -- and thank you
2 very much -- Counts 1 through 5, each carry a mandatory
3 minimum term of incarceration of 15 years and a maximum term
4 of life in prison, a five-year minimum period of supervised
5 release, a maximum term of lifetime of supervised release, a
6 maximum \$250,000 fine and a mandatory \$100 special assessment
7 per count.

8 The total sentence is a mandatory minimum of 15
9 years in prison or 75 years if run consecutively, a maximum of
10 life in prison, a five-year minimum period of supervised
11 release, a lifetime term of supervised release, a maximum of
12 \$1,250,000 fine and a \$500 special assessment.

13 The Court will now readdress the considerations
14 which the Court is required to do pursuant to Title 18 of the
15 United States Code, Section 3553(a). I refer to the advisory
16 Sentencing Guidelines which are a major factor that the Court
17 must consider in fashioning an otherwise discretionary
18 sentence.

19 Section 3553(a) directs that the Court, in
20 determining the particular sentence to be imposed, shall also
21 consider the nature and circumstances of the offense and the
22 history and characteristics of the defendant, the need for the
23 sentence imposed to reflect the seriousness of the offense, to
24 promote respect for the law and to provide just punishment for
25 the offense, the need to afford adequate deterrence to

1 criminal conduct and to protect the public from further crimes
2 of the defendant, the need to provide the defendant with
3 needed educational or vocational training, medical care or
4 other correctional treatment in the most effective manner.

5 I must consider the Guidelines and policy statements
6 issued by the United States Sentencing Commission as well as
7 the need to avoid unwarranted sentence disparities among
8 defendants with similar records who have been found guilty of
9 similar conduct.

10 And I pause here because I reflect back on another
11 defendant in another case who I, for the same charges with
12 somewhat different circumstances, imposed a sentence of 100
13 years in prison. Restitution is not an issue in this case.

14 I have painstakingly reviewed all of the relevant
15 sentencing factors contained in the Presentence Investigation
16 Report, the memoranda submitted by both defense counsel and
17 counsel for the Government, the defendant's statements of
18 allocution as well as the statements of his mother this
19 afternoon which I appreciate and all of the letters that were
20 written to the Court in support of the defendant.

21 The Court notes that Mr. Jackson is before it to be
22 resentenced for serious and frankly outrageous criminal
23 conduct toward various females, some juveniles. This matter
24 involves at the time a 29-year-old defendant who incurred
25 seven adult convictions including the conviction for this

1 offense. His prior offenses involved distribution of
2 controlled substances, drugs, carrying a firearm without a
3 license and various theft offenses.

4 The Court does note that Mr. Jackson's first arrest
5 occurred at age 14. This resulted in a juvenile adjudication
6 with a placement outside of his home. He had five additional
7 juvenile adjudications which included placement in various
8 juvenile institutions including St. Gabriel's Hall, the
9 Abraxas Foundation and the Youth Detention Center at Danville,
10 Pennsylvania.

11 I am intricately familiar with all of those as I was
12 a Public Defender and Chief of the Family Court Division for
13 the Public Defender's Office for many years. I know all of
14 these institutions and I know why children are sent to these
15 institutions, particularly Danville.

16 The record has reflected that Mr. Jackson has no
17 verifiable employment history. However, he has no mental
18 health issues which need to be addressed while incarcerated,
19 and the Court is sensitive to what Mr. Jackson has articulated
20 in terms of the wear and tear frankly emotionally on anyone
21 who's incarcerated. I note that the record indicates that he
22 has a history of substance abuse which should be treated while
23 incarcerated.

24 The Court has never and will never pass moral
25 judgment. I say that as a preface to the following sentence

1 because this is simply a part of the record, and that is, the
2 defendant has fathered two children with two women and has not
3 consistently participated in their rearing but understandably
4 so.

5 I do not know whether or not the defendant has in
6 any way financially supported these children, whether he was
7 not in custody or in custody. I note that I had a defendant
8 appear before me not too long ago who put away virtually
9 everything he made while in prison and had a substantial
10 sentence and sent it to his children.

11 In this case, the defendant's conduct in these cases
12 is most disturbing. It was violent and merited the sentence
13 that the Court considered initially. The best that this Court
14 can surmise from looking at this defendant's record prior to
15 his articulation today about his change in life, at no time in
16 his adult life had he made an effort to conduct himself in a
17 law-abiding manner.

18 The pre-eminent concern pursuant to Title 18 of the
19 United States Code, Section 3553(a)(2)(C) is for the Court to
20 consider the protection of the public and the punishment of
21 Mr. Jackson. As I stated at the original sentencing in this
22 case, the need for incarceration in this matter is increased
23 when considering the nature of the offense, the degree of harm
24 and the conduct with respect to the counts of conviction.

25 I'm now tasked with fashioning a sentence that must

1 take into account all of the factors that I've just
2 referenced, but I must also take into account the content of
3 counsel's argument for the defendant in terms of his current
4 situation and his accomplishments to date while incarcerated,
5 and I say accomplishments, because they are an indication that
6 you've done a lot to change in the limited fashion and the
7 limited manner that you had an opportunity to do so.

8 A significant sentence well in excess of the
9 seriousness that portends in this case was considered by the
10 Court which initially was to give consecutive sentences for
11 all of these counts. The Court gives the defendant the
12 benefit of a more humane treatment than he gave his victims.
13 However, a sentence of a significant period of incarceration
14 is justified.

15 I have weighed the following: The arguments of the
16 Government that, "The depravity of the crimes in the instant
17 case cannot be overstated. Jerel Jackson directed atrocious
18 physical abuse toward his victims, demonstrating the hazard he
19 presents to society. The defendant frequently resorted to
20 violence if he believed that any of the females withheld money
21 or were reluctant to work. To verify that the young women
22 gave all their earnings to him, he would make them strip down,
23 squat and cough for internal inspection, sometimes even
24 manually searching their vaginas for money.

25 "The defendant had a belligerent and explosive

1 temper which frequently resulted in him punching, slapping,
2 choking and kicking the victims. To mandate compliance with
3 his rules, the defendant on several occasions threatened
4 victims with a gun and used a taser weapon on some young women
5 and he once burned a victim on the face with a hair
6 straightening iron.

7 "Mr. Jackson numbed the victims to their tragic
8 consequences and circumstances by plying them with PCP,
9 marijuana and prescription pain killers. He also required
10 them to have sex with him and impregnated one of the victims.

11 "His egregious disregard for these women stepped
12 beyond mere pimping for quick cash, repugnant in and of
13 itself, but into the realm of the insidious and frivolous
14 abuse of vulnerable women and girls, forcefully prostituting,
15 beating, drugging and coercing three young women and two girls
16 to have sex with numerous men requires a unique form of
17 maliciousness. So, too, does burning someone with an iron as
18 punishment, using a taser weapon on another person as a form
19 of torture or impregnating a 16-year-old girl.

20 "The defendant's particular brand of cruelty has
21 indelibly scarred his victims mentally, emotionally and in
22 some cases physically. His volatile nature and aggressive
23 behavior forced these victims to live in a state of fear and
24 they suffered irreparable damage to their psychological and
25 emotional well-being by having sex with numerous strangers

1 under duress. Undoubtedly, the traumatic time with the
2 defendant left their self-worth and dignity in tatters and
3 will encumber their psyches for the rest of their lives.

4 "As for the history and characteristics of the
5 defendant, simply put, Mr. Jackson has been a poster child for
6 recidivism. At 29 at the time of the initial sentencing, he
7 had never held a legitimate job and relied on a violent life
8 of crime to finance his existence."

9 The Court does not punish Mr. Jackson for the things
10 that he was arrested for or did in his preteen years. The
11 Court is acutely aware of the circumstances in which he grew
12 up, but, nevertheless, there are so many people who have said
13 they grew up in the same circumstances, but they knew right
14 from wrong. Fatherless or motherless or friendless, they knew
15 right from wrong.

16 The Court is cognizant of the arguments of his
17 counsel, essentially, that there is little extrajudicial
18 history that appears in the records beyond the criminality of
19 his youth. His counsel has argued that he started life as the
20 only child of a 16-year-old mother and an incarcerated father
21 and that he did not meet his father until his father was
22 released from prison when Jerel was 17 years of age. He has
23 described him -- yes, sir.

24 THE DEFENDANT: Your Honor, that's wrong.

25 THE COURT: What's wrong?

1 THE DEFENDANT: That part right there. I been with
2 my Dad since I was a kid. My Mom was 17 when she had me.
3 That's wrong. The employment history is wrong. I had
4 multiple jobs.

5 THE COURT: I will give you the time right now to
6 tell me -- tell me exactly where I was wrong, and I want you
7 to do that.

8 THE DEFENDANT: Okay.

9 THE COURT: I have no problems with that.

10 THE DEFENDANT: Thank you.

11 THE COURT: Yes, sir, go right ahead.

12 THE DEFENDANT: Yeah, I -- I worked at multiple
13 jobs. I started working when I was a kid. I worked for my
14 uncle, he right there. He had a store in the Reading
15 Terminal. I worked for him when I was a kid. I worked at
16 Northeast Glass and Windows. I had plenty of jobs. I worked
17 at Blockbuster. I told Ms. -- Maxine that I had plenty of
18 jobs and she wrote whatever she wanted to write. I told them
19 I had jobs.

20 A lot of the stuff that we talking about that's -- I
21 don't know, it supposed to be statement of facts. As far as
22 me doing things to these girls, that is not true, and I'm
23 offended that you be keep repeating the same stuff. It's
24 hurtful that they gotta stand here and hear the stuff that I
25 know I didn't do.

1 Like, I -- and I said that in my last hearing. I
2 said I'm guilty of some of the things on some of the charges.
3 Like, I admitted to some things, but I pled -- but we
4 understood why I pled. I said I was guilty for some things,
5 but I never burnt anyone. I never used a taser against
6 anyone. I didn't sedate nobody to do none of this crazy
7 stuff.

8 You're judging me on what you was just reading.
9 That sounds like a horrible person. I did none of that.
10 Like, you know what I mean, I was involved in the
11 prostitution, I admitted that, but I was -- I was part of
12 that. But I didn't physically abuse none of those girls like
13 I said I did -- like I said I did not last time in the same
14 courtroom at sentencing. I said that last time.

15 There's just certain things I wouldn't do to women.
16 I was raised by women. You know, I got a daughter, and I'm
17 not going to do certain things to females as -- or not even
18 males that can't do something to stop. Like, I wouldn't take
19 advantage of a man that couldn't do nothing about it. Like, I
20 wouldn't do things like that.

21 All right. So everything that they saying and as
22 far as the prosecution saying that I did, as far as that, I
23 didn't -- like, I'm not going to say everything that she
24 saying is not -- is not true. But it's -- it's not true what
25 she was saying about me -- I wouldn't -- I didn't burn anyone,

1 I didn't tase anyone. I didn't -- I didn't do a lot of this
2 stuff. And I'm sitting here and I'm taking it, you know,
3 because this -- this is how it goes. But, honestly, I didn't
4 do a lot of these things that I'm saying -- that they saying I
5 did.

6 I'm accepting responsibility for what I did do.
7 What I did do is I was involved, period, which was wrong, and
8 I shouldn't -- and I shouldn't have been involved. I should
9 have did better, and I made my mistakes. But you -- but I'm
10 not going to sit -- you know, sit here and just, like, keep
11 letting it roll when I know I didn't do what they saying I
12 did.

13 And I pled out. So now after I plead guilty for --
14 because I was going to lose anyway back at the time, you know,
15 I was superseded on -- on February 5th. I went to trial.
16 Well, went for picking a trial on March 18th. I remind you on
17 March 16th at the suppression hearing, I asked to continue
18 this for the 30-day thing, for the -- whereas, Contreras case
19 law, 3161(c)(2), amended act of 1979 about the 30 days or
20 whatever.

21 We had an argument back and forth. I studied all my
22 transcripts repeatedly. Like, I know everything that was said
23 in all the -- all the court proceedings that we had.

24 You ruled in the Government's favor as far as that,
25 didn't grant me a continuance on March 16th, 2016. The trial

1 was to commence two days later. Still wasn't at my 30-day
2 mark.

3 I pled out. I was going to lose anyway. Remember I
4 told you when I -- I had Thomas Burke and we had a little
5 quarrel in your courtroom and I asked to dismiss him, because
6 he told me that he did not have a defense for me at that time
7 at all. We was going to lose so I should plead out and he
8 could try and get me back, Rule 35, this, that and the other.
9 He wanted me to take that -- the lesser of the two evils,
10 which I did. I was going to lose anyway.

11 I had three weeks to prepare for two brand-new
12 witnesses that we didn't even have -- we didn't even know
13 exactly what he was in the beginning. And then don't know
14 what they saying or what I'm being charged with at all when it
15 comes down to these girls. So I'm just saying that to say I
16 just want you to know, you know, I mean, how I feel about it.
17 You know, honestly, like, I'm trying.

18 I go through a lot in jail or whatever. I mean,
19 I've been -- I've been change my life. I work real hard at
20 that, of being a positive person, like, that's my whole thing
21 right now. I try to help other people and everything. I do
22 this all the time, like, this is me. I'm a good person. I
23 mean, I made some mistakes.

24 That stuff that you saying I did right there that
25 she said I did, I didn't do. And I just want you to know that

1 in making your decision or -- or whatever. Because the person
2 that you just read off to me in this courtroom, that's
3 embarrassing to me, for my family sitting right here listening
4 to that, and I know I didn't do that. Like, that's
5 embarrassing. I can't -- I can't sit for that.

6 Like, so I just -- I just felt like I had to say
7 regardless of what sentence you impose today, I just want you
8 to know how I felt about this situation, like, and I'm asking
9 him to object right now, but he wasn't. So I felt like I had
10 to sit up to say something, and I don't like that. I didn't
11 do that and I wouldn't do that, you know what I mean.

12 What I did do, is I was involved in the
13 prostitution. I was wrong for that, but I'm doing my time and
14 it hurt. I got a 13-year-old daughter, I got a lot going on.
15 I got two sons. I don't even know where one of them is, and
16 the other one was taken by DHS. There's a whole lot going on
17 that derived from this case right here.

18 When them agents was putting the press on -- when --
19 when it was pretrial, and they got my DHS involved and they
20 took my son. So now I'm still going through stuff with that.
21 There's a whole lot going on that derived from this case, and
22 these agents and the prosecutor doing what they want to do and
23 saying I -- making this look good for theirselves, and, of
24 course, they make me look bad in the midst of it.

25 If somebody was doing all that, and that's horrible,

1 and they should be punished, like, very bad even if it's me,
2 but I ain't ever owned a taser. I never even used a taser in
3 my life. Why would I burn somebody with an iron on your face?
4 I wouldn't do nothing like that. That's not me, and I didn't
5 do that. And I just want you to know that. And I'm sorry.
6 I'm going to shut up, but I was a little bit upset about that.

7 THE COURT: You can speak whatever you feel that you
8 need to speak. I told you before. I will always give you
9 that respect.

10 THE DEFENDANT: Yeah, I didn't do that. And I'm
11 still to this day -- and I know I'm here and I supposed to get
12 the points for acceptance and I accept it that what I did was
13 wrong. I'm not going to accept something I didn't do. I
14 didn't do that. I wouldn't do that. And they didn't have a
15 girl that say I did that.

16 It was being testimony in the Grand Jury. She said
17 you got a burn up on your face. Did Jinx do that? The girl
18 say yes. The girl had bangs. She a white girl with bangs and
19 she was curling her hair. She had bangs in the front of her
20 head. She had a little mark in the front of her face. I seen
21 the picture in the Jencks material at the suppression hearing.
22 She had a mark right here between her eyebrows.

23 I'm supposed to have burned her hair with a curling
24 iron? That don't make sense. That's not what I do. That
25 same girl was here at the last sentencing. Why didn't she get

1 up and say it then? Because it didn't happen. It's not true.

2 She a liar -- she's a liar. You know what I mean,
3 they lie to me -- they came -- they do what they supposed to
4 do. People lie. Everybody not honest all the time. Like,
5 I'm already -- I did what I did. You know what I mean, I'm
6 doing my time. You know what I mean, I'm doing my time, I'm
7 doing my part, I'm trying to do better.

8 I'm doing everything I can do, but I am not -- I
9 just don't want to sit here and keep being told I did
10 something that I didn't do and it's all in my transcripts and
11 my family got to sit here and listen to this. This is
12 ridiculous. I'm done. Thank you.

13 THE COURT: Very well. Now, for your benefit or as
14 a reminder and to those who were not here during the course of
15 the guilty plea in this matter, it is this Court's policy for
16 the last 31 years as a Judge to do what's called a guilty plea
17 colloquy on anybody who pleads guilty -- everybody who pleads
18 guilty. And during the course of that colloquy, I ask a lot
19 of questions including your guilty plea.

20 At the time of that guilty plea colloquy, I asked
21 not only were you satisfied with the representation your
22 counsel had provided you up to that point in time, but at the
23 conclusion of the Assistant United States Attorney reading to
24 this Court and into the record the facts that they could have
25 proven had this case gone to trial, I said, "Mr. Jackson,

1 you've heard the facts as read by the Assistant United States
2 Attorney. Do you fully admit to those facts?"

3 And do you remember your response?

4 THE DEFENDANT: Actually, yes, I do. I read it
5 plenty of times. You asked me, "Do I still wish to plead
6 guilty?"

7 You asked me before then, "Was I pleading guilty?"

8 I said, "Yes, I still want to go through with the
9 guilty plea."

10 You said you lose these rights, this right, that
11 right, the right to go to trial. I said, "Yes, I agree, I
12 agree."

13 Yeah, she did the stipulation of facts after I said
14 I was pleading guilty. You said, "Okay, hearing that, you
15 still want to plead guilty?"

16 "Yes, I still want to plead guilty." I can't --

17 THE COURT: And did I ask you why you were pleading
18 guilty?

19 THE DEFENDANT: Yes, you did.

20 THE COURT: And what did you tell me?

21 THE DEFENDANT: You said, why are you pleading
22 guilty, Mr. Jackson? I said, excuse me, give me a second.
23 You said, go ahead, consult with your attorney. I sat back
24 and I talked to Tom because Tom the one that told me to plead
25 guilty that day because he said he had no defense. He told me

1 what to say. He told me how the colloquy would go and he told
2 me what to say. He told me, take a second --

3 THE COURT: Now, let me just stop you right there.
4 You're speaking awfully fast and I'm giving you full
5 opportunity to do that. But as I said before, I have mine
6 down pat. I know what I ask every defendant including you,
7 and I specifically asked you why you were pleading guilty --

8 THE DEFENDANT: I said because I am guilty, right.
9 I asked my -- you told to consult with my attorney -- I got
10 the transcripts, too. You said take your time, talk to your
11 -- you seem like you need to talk to your attorney.

12 I asked him, I said, Tom, I said why am I pleading
13 guilty? He said just tell him because you are guilty. I
14 said, "Because I am guilty."

15 And that's -- and that's how that went, and I got
16 the transcript. I read it 50 times.

17 THE COURT: And did I ask you how old you were and
18 how far you went in school and if you were under any kind of
19 duress or coercion to plead guilty?

20 THE DEFENDANT: Yes, you did. I said no.

21 THE COURT: I asked you all of those questions, not
22 just you, but I ask everybody that, because I am determined as
23 a Judge to be the way that I used to say when I was a Public
24 Defender, and that's fair --

25 THE DEFENDANT: I think you're a fair Judge.

1 THE COURT: -- and respectful of everybody who comes
2 here. So I'm saying to you this. I was not there. A jury is
3 not really there in terms of where things happened. They can
4 only go by what is given in sworn testimony in a courtroom.
5 They assess the demeanor of the witnesses. They listen --
6 they listen to the law, and they go behind that door and they
7 make a decision. They do the best they can with what they
8 have.

9 You elected to give up that right and to go before
10 this Court and enter a plea of guilty after an extensive
11 colloquy of asking you all kinds of questions to make sure
12 that you knew what you were doing. And I specifically asked
13 you as I ask everyone, "Did anyone tell you what to say today
14 or put words in your mouth?"

15 And you said, "No."

16 Now, today you're changing that.

17 THE DEFENDANT: No, I'm really not, no. I don't
18 want to be misunderstood. I'm really not trying to -- I'm
19 really not trying to change it because like I say, I -- I
20 still would say I'm guilty of -- of the crime. What I'm
21 saying is, the specifics.

22 I didn't -- I didn't listen to her colloquy and then
23 want to break down every -- I mean, listen to her statement of
24 facts, what she said that she would have proved -- she said
25 the Government would have proved this. I didn't go into --

1 oh, well, I didn't do that, but I did that, I didn't do that,
2 I didn't do that. That wasn't me.

3 THE COURT: But you could have if you had wanted to.
4 You could have had a trial if you had wanted to which is the
5 whole point of a colloquy. And I specifically asked you the
6 20-some questions --

7 THE DEFENDANT: Right.

8 THE COURT: -- "Do you fully understand" --

9 THE DEFENDANT: Yes.

10 THE COURT: -- "that you have a right to 12 people
11 seated -- sitting over there?"

12 THE DEFENDANT: Yeah, you did.

13 THE COURT: "Do you understand that you have a right
14 to testify, you have a right not to testify? Nobody could
15 force you to testify if you didn't want to."

16 I told you that, "Even if you have a trial and you
17 chose not to testify that neither I nor the U.S. Attorney
18 could say anything that would allow that jury to infer
19 anything adverse to your interest because you elected not to
20 testify because it's a Constitutional right."

21 I went also the extra step to tell you on that
22 record that, "If you chose not to testify at the trial, the
23 jury couldn't even infer anything adverse to your interest,
24 and I would give them the law and tell them that they could
25 not do so because it's a Constitutional right that we all

1 share, the right against self-incrimination."

2 So my point simply is this. The reason why I asked
3 you all those questions on that date was to find out if you
4 knew what you were doing, if you were pleading guilty because
5 you wanted to and not because anyone forced you to and because
6 you heard what the definitions of the crimes were and you pled
7 guilty because you were guilty of having committed each of
8 those counts and each one of those -- each one of those
9 offenses in each one of those counts.

10 And everyone goes over that with you in terms of do
11 you plead, how do you plead? And to each one of those you
12 responded guilty. Now, you can't plead guilty to an element
13 of an offense if you didn't do it.

14 THE DEFENDANT: But, Your Honor, I mean, in my shoes
15 sometime -- I would say I felt like I had to. Like, do you
16 understand? Like, I mean --

17 THE COURT: But I asked you all those questions, Mr.
18 Jackson, to make sure that I was satisfied that you did not do
19 things that you did not want to do in terms of pleading
20 guilty.

21 Now, I can't debate this back and forth with you,
22 and I'm trying to be very respectful of what you're saying to
23 me, because listen to me, I'm telling you right now, I would
24 not want to be sitting there myself. Okay? And I'd probably
25 be just saying what you are, okay? Especially having been

1 there already. It's human nature, and I will treat you like a
2 human being, okay, because there but for the grace of God go
3 any of us, because we could have made a mistake and done
4 something wrong.

5 But I have a responsibility as a Judge, not just to
6 you and your Constitutional rights, but also to the public and
7 to the victims of this crime.

8 THE DEFENDANT: Right. Just -- just one last thing
9 I want to say --

10 THE COURT: Go right ahead.

11 THE DEFENDANT: -- about that -- about that day. I
12 had to take into consideration the fact that at that time when
13 making this decision, to just, you know, going off with it,
14 and I understood that I was under a life sentence Guidelines.
15 If I lose, which I will, because he told me -- first of all,
16 he did not have a defense for me, like I said, in September on
17 the record. He said we didn't have a defense, we didn't have
18 enough time. That was one.

19 Two, no one with this case of mine ever won in this
20 Circuit. Like, I was gonna lose, like, you're undefeated.
21 Excuse me, you're undefeated. Excuse me. And -- no one ever
22 won in this Circuit with this case. I had no chance of
23 winning in my opinion. We thought about all that, we talked
24 about it. He said he didn't even have a defense for the last
25 two witnesses. We started the first three witnesses for 21

1 months, broke everything down. He didn't have a defense. The
2 best thing to do at the time he told me was to plead.

3 This is my counsel. This is who I was listening to.
4 I took his advice, and I went against my better judgment. And
5 he talked to my mom and my dad that day in court and he told
6 them the same thing about pleading guilty, we didn't have the
7 defense, and it would be better if I did this this way. And I
8 just -- I just kind of trusted him, which I probably shouldn't
9 have at the time, and I should have -- in my opinion, I should
10 have just went.

11 The whole thing was -- to be honest with you -- the
12 whole thing was to -- to continue was -- being as though I had
13 just got -- been an arraignment on the 27th of February, that
14 month, and we was back in trial, ready to pick a jury on the
15 18th. The whole thing was to continue was -- and he telling
16 me that we just play for the appeal at this time, you know
17 what I mean, you plead guilty now. He could be -- his terms
18 was very persuasive I believe I said last time when -- when we
19 had the meeting or whatever.

20 I mean, just -- just to say it like this at the --
21 at the end of -- I am guilty of some of the things on some of
22 the counts, like I said. But I just didn't force anybody to
23 do anything. I know I gotta be punished, and I live with
24 that, I know I gotta be punished for my crimes and what I did.
25 I was wrong, and I understand that. I'm not trying to justify

1 it, and, you know, wiggle my way out of it by trying to, you
2 know, talk around the facts. The fact is I was wrong. I
3 should have never been involved. I know better.

4 I have held employment and I do know how to work,
5 you know --

6 THE COURT: And I accept that.

7 THE DEFENDANT: -- so whatever -- whatever I did and
8 made that bad decision because it was easy at the time, that
9 was a flaw. That was -- that was my fault. I shouldn't have
10 did that. That decision changed my whole life. Everything's
11 different now. I'm a different person.

12 I'm just being straight up with you and I'm telling
13 you some things that I was accused of, I didn't do. Because
14 of what I said on March 18th that year, and I -- and I was
15 trying to say it again at the last sentencing. I just
16 wouldn't force nobody to do anything against they will.
17 That's not the type of person I -- you know, I am or whatever.
18 But I'm guilty of, like, what I said, like, because I was at
19 fault, I was there. You know, I was out there and I did
20 certain things.

21 But then, you know, other -- other witnesses, like,
22 for example, she said that this witness said this, that and
23 the other. I looked in my Jencks material and I didn't have a
24 statement against me at all from one of these witnesses that I
25 supposed -- allegedly did this and did that. She didn't have

1 a word against me. So where is all this coming from?

2 Like, so this is her statement of facts. These are
3 not facts. The witness she saying that I did this to is not
4 saying I did this. It don't make sense. Like, the whole
5 thing -- I got -- I just feel like I just -- at the end, I
6 just feel like -- I know you did your part, you know, that you
7 were supposed to do as a Judge. But overall, I just felt like
8 I got railroaded, like, and I in there for a lot of time,
9 like, you know what I'm saying?

10 And right now I'm just -- I'm just still -- I'm
11 still in the fight. I'm just still fighting it and just
12 trying to do better. I got -- I got goals, and I'm just
13 working. I'm just working. I don't know what else to say.
14 I'm just working. I'm just doing everything I could do, you
15 know what I mean, to better myself and make sure my family is
16 well, if I can.

17 But 30 years, it's a long time. My -- my aunt just
18 died. Some other family members died. I lost friends that I
19 thought I probably would never lose. People -- I'm just not
20 close to a lot of people anymore. Everything just turned bad.
21 But this is how it go when you doing time. You know what I
22 mean, so I understand that now. And I -- you know, I made
23 this bed, I lay in it.

24 All I'm saying is, I ain't do what she said I did in
25 those statement of facts. It was all bogus for the most part.

1 And, like I said, they got me all -- they don't even -- she
2 don't even got statements to support some of the things that
3 she's saying I did. I don't know where it's coming from, who
4 made up what, but I didn't do it. And I'm sorry for, you
5 know, dragging this on --

6 THE COURT: That's all right.

7 THE DEFENDANT: -- a long time, but my life's on the
8 line, right? So --

9 THE COURT: That's what allocution's about. I'm
10 sorry?

11 THE DEFENDANT: I said but my life's on the line,
12 right? And every time I talk to you in here, you know, I try
13 to be, you know, straight up for you and open so you can
14 understand how I'm coming.

15 I been locked up for six years now. A lot of things
16 change in six years, you know, six years I'm a lot more
17 mature. I'm different. I got a 13-year-old daughter. She's
18 a handful herself, you know what I mean. I'm working on her.
19 I would like to be home some time in her life as a young lady
20 so I can guide her to do right, like I said last time, you
21 know.

22 And I want to be home before my mom die or my
23 grandmom or somebody else that I'm real close to. And I'm
24 just -- I'm just saying all that. I hope you take everything
25 in consideration. I even -- you know, I hope that the victims

1 in the civil suit thing, you know, for them to get paid,
2 people got paid, they made money, some of the victims and
3 stuff like that.

4 You know, I'm just doing everything I can do. I
5 don't know what else I can do. They came to me. I didn't
6 have to help. He came to me. He talked to me, he asked me.
7 I just talked to him, like you know what I mean, and tried to
8 help him.

9 And they didn't have nothing to do with the
10 Government or -- or the law, you know, so I'm not getting any
11 credit or anything for that, you know what I'm saying? I'm
12 just trying to help out people and stuff like that. I'm just
13 trying to be a better person. Ain't much I can do, I'm
14 limited, you know what I'm saying, I'm limited, but I'm
15 trying. And that's just -- that's just pretty much it. I'm
16 trying.

17 The last time we spoke, you said one of the main --
18 one of the major factors in giving me time -- at that time
19 like that -- you said there was guns. You said I had those
20 guns. You don't like those gun charges you told me.

21 That one gun charge wasn't a gun charge. But they
22 -- they locked me up on my birthday. I got pulled over. I
23 was driving my mom's truck. I got pulled over that year on
24 the high -- ended up in my PSI as a gun charge. I didn't have
25 no -- I got one gun charge as an adult.

1 Seven convictions, I really don't remember either.
2 Like, if I look, I know I went upstate for a gun, 2006. I had
3 theft -- unlawful taking that year. That was the two charges.
4 I came home 2009. I completed the probation and stuff. I had
5 an open case when I first got locked up in 2013 -- oh, yeah,
6 2009, 2011, I got locked up on my birthday. I had some weed
7 on me.

8 I had a bag of weed on me -- to SAMS Court
9 (phonetic) -- never pled guilty for that. That's why I never
10 got a conviction. I never completed SAMS Court, but I never
11 went to a trial or anything. So that's why that record looked
12 like that. So that was -- that was three convictions right
13 there. Well, that's not even a conviction. That was two
14 convictions and that SAMS Court thing.

15 Then after I got locked up in 2013 on this case, I
16 had an open case for the county. I pled out in the county.
17 They say that case wouldn't affect my Sentencing Guidelines no
18 more, because I was going to go to trial on that case, too.
19 They told me that it wouldn't affect my Sentencing Guidelines
20 in the Feds because of the points that I was already at.

21 Now, today, he proved the thing about the gun in
22 2011, but behind that, in 2013, now, I got an extra
23 conviction, yeah, I did. Now, if we take off both of those
24 convictions, that would probably take me down another point
25 which would change my Guidelines anyway. But it's all -- it's

1 all messed up now because it's too late because, you know,
2 they said I had this.

3 That was wrong in the -- in the information and now
4 I'm saying that I wouldn't probably not have pled, they said
5 if -- but in 2013, I wouldn't have pled to the -- what was the
6 last case?

7 MR. WILSON: A theft case.

8 THE DEFENDANT: No, it wasn't a theft case. Oh,
9 yeah, it was a theft, unlawful taking or something like that,
10 it was a theft case. So I pled to the -- I pled to the theft
11 case in -- I think it was '15 or something like that, I pled
12 to a theft case, but all -- I pled to the theft case because
13 they said it wouldn't affect my Sentencing Guidelines when I
14 come -- get sentenced in the Feds.

15 So now that that changes that, that would
16 automatically probably change my Guidelines. If I had both of
17 those off, would that change my points and make my Sentencing
18 Guidelines lower?

19 MR. WILSON: No.

20 THE DEFENDANT: Okay. I'm just bringing it up
21 because that's what they told me. So I'm done. Thanks.

22 THE COURT: All right. I only have one question in
23 light of everything you said, and that is did you say that you
24 have -- that there's a gun conviction here that's not correct?

25 THE DEFENDANT: Yes. The 2011. That's what he just

1 objected to in the PSI, 2011, November 19th. I was somewhere
2 in the City and I got pulled over. I guess somebody else may
3 have gotten a gun charge in that, so go ahead.

4 MR. WILSON: Your Honor, that's the 2011 matter that
5 we indicated was a possession of marijuana and not a violation
6 of the Uniform Firearms Act.

7 THE COURT: All right. So we've made that
8 adjustment then?

9 MR. WILSON: We made that adjustment.

10 THE COURT: All right.

11 MR. WILSON: He was then talking about there was an
12 arrest I believe in 2013 that was still open after he was
13 arrested on this matter for a theft. It was also a
14 misdemeanor case. And he -- while he was awaiting sentencing
15 on this case, he pled guilty in that matter. He got a point
16 for that. I think it ended up -- it was a sentence of no
17 extra jail time, but he -- he got a point for that, but it --
18 he's -- at best, that point took him from eight to nine.

19 That's still -- that's still within category --
20 Criminal History Category IV that we've -- that Your Honor's
21 established is the applicable Criminal History Category.

22 THE DEFENDANT: And even with that, that's still
23 only three convictions as an adult, not seven. That's the
24 ones in 2006 when I was 19 years old and I went upstate, and
25 this Fed charge -- well, that would make four, because there's

1 1591 in that case right there that I pled to because I was
2 already facing this time over here. And they said it -- it
3 wouldn't affect this sentencing, so I just took a probation
4 charge. I pled guilty to seven years probation instead of
5 taking it to trial.

6 THE COURT: All right. The Court will now state the
7 sentence it contemplates imposing. However, counsel will have
8 a final opportunity to object prior to the formal imposition
9 of the sentence.

10 Now, I've heard a lot, I've read a lot. I've not
11 forgotten any of what I've read from the colloquy to the facts
12 as read at the time of the original plea of guilty up through
13 the Presentence Reports, the amended reports, and as I said,
14 the letters here that have been submitted on your behalf from
15 your family members and friends of the family.

16 I am mindful of one instruction among many in terms
17 of imposing any sentence, and that is the overriding
18 philosophy that a sentence should not be greater than
19 necessary. After all of these years, if my life depended on
20 it, I could not tell you what would be greater or not greater
21 than necessary in terms of a specific period of time of
22 incarceration, and I dare say no Judge knows that. We do the
23 best we can with what we have.

24 But that is also why there are Sentencing Guidelines
25 to form a range of sentences so that we don't give sentences

1 that are sort of outside the envelope and outside the norm and
2 they seek some consistency. And having considered those
3 Guidelines and having considered the totality of everything
4 that's been presented here today as well as before, the Court
5 contemplates imposing the following sentence:

6 As to Count 1, the Court will impose a sentence of
7 180 months incarceration. As to Counts 2, 3 and 4, the Court
8 will impose a sentence of 180 months incarceration to run
9 concurrently with the other sentences imposed on Count 1, and
10 they will run concurrently, one with the other. And on Count
11 5, the Court will impose a period of incarceration of 120
12 months to run consecutively to the sentence imposed on Counts
13 1 through 4, for a total period of incarceration of 300
14 months. This Court having considered everything that's been
15 submitted to the Court, I have reduced the original sentence
16 by five years.

17 MR. WILSON: Your Honor, may we see you at sidebar?

18 THE COURT: Yes.

19 (Sidebar discussion as follows:)

20 MS. MORGAN: 180 mandatory minimum on Count 5.

21 THE COURT: Oh, okay.

22 MR. WILSON: So Your Honor could do it -- you could
23 do it as a 300-month sentence on Count 5 to run concurrent
24 with everything.

25 THE COURT: And that would still give him --

Sentence of the Court

60

1 MR. WILSON: That would -- 300 months.

2 THE COURT: My apologies. Thank you very much.

3 (Sidebar discussion concluded.)

4 THE COURT: Counsel has brought to my attention that
5 the sentence imposed on Count 5 by law has to run
6 consecutively, so, therefore, I'm going to modify Count 5's
7 sentence --

8 MR. WILSON: Your Honor, simply, it just has to be
9 180 months. It can run concurrently.

10 THE COURT: All right. Fine.

11 So the sentence on Count 5 will be 300 months, but
12 it will run concurrently with the sentence imposed on Counts
13 1, 2, 3 and 4 for a total of 300 months. And as I said, it is
14 now reduced by five years.

15 The Court will recommend to the Federal Bureau of
16 Prisons that the defendant be incarcerated at State
17 Correctional Institution at Fairton as he has requested to
18 accommodate the family to be able to come and visit him.

19 Upon release, the defendant shall be placed on
20 supervised release for a term of five years. This term
21 consists on five years on each of Counts 1 through 5, all such
22 terms to run concurrently, one with the other.

23 Within 72 hours of release from the custody of the
24 Bureau of Prisons, the defendant shall report in person to the
25 Probation Office in the district to which the defendant is

1 released.

2 While on supervised release, the defendant shall not
3 commit another Federal, State or local crime, shall be
4 prohibited from possessing a firearm or other dangerous
5 device.

6 Now, I always pause -- because I tell you I'm -- I
7 do a lot of things by habit and custom, and it's my custom and
8 habit to always pause here on this portion of me telling a
9 defendant about what the defendant can never, ever do again.
10 I emphasize that you cannot touch a gun for the rest of your
11 life. Do you understand me?

12 THE DEFENDANT: Yes.

13 THE COURT: The defendant shall likewise not possess
14 an illegal controlled substance and shall comply with the
15 other standard conditions that have been adopted by this
16 Court. The defendant must submit to one drug test 15 days of
17 commencement of supervised release, and I recognize that we're
18 talking about a long, long time from now. If at that time in
19 the future, there's no need, then that won't happen, that
20 won't be necessary. But that's going to depend upon you and
21 your conduct while incarcerated.

22 The defendant shall cooperate in the collection of
23 DNA as directed by the Probation Officer. The defendant,
24 based upon what I have heard in this record, shall participate
25 in a drug and alcohol treatment evaluation and program if

1 necessary.

2 The defendant shall report to the United States
3 Probation Office any regular contact with children of either
4 sex under the age of 18 assuming Megan's Law doesn't prohibit
5 it altogether in the first place. The defendant shall not
6 obtain employment or perform volunteer work which includes
7 regular contact with children under the age of 18.

8 The defendant shall register with the State Sex
9 Offender Registration Agency in any State where the defendant
10 resides, is employed, carries on a vocation or is a student as
11 directed by the probation officer.

12 The Court finds that the defendant does not have the
13 ability to pay a fine; therefore, I will not impose a fine in
14 this case. However, it will be ordered that the defendant pay
15 to the United States a total special assessment of \$500, which
16 shall be due immediately.

17 Is there an objection to the Court's sentence as
18 contemplated by either counsel?

19 MS. MORGAN: Your Honor, I just want to clarify for
20 the record that the Court is granting the defendant's motion
21 for a downward variance?

22 THE COURT: Yes. Yes.

23 MS. MORGAN: Thank you.

24 THE COURT: Yes.

25 MR. WILSON: Your Honor, I guess I'm required to

1 reiterate all the arguments I've made and -- but, otherwise, I
2 don't have anything else to say.

3 THE COURT: All right. The record shall so reflect.
4 Mr. Jackson, please rise.

5 MR. WILSON: Your Honor, can I have one moment?

6 THE COURT: Yes, sir.

7 Mr. Jerel Jackson, you've heard the sentence the
8 Court stated as contemplated. That sentence is hereby
9 formally imposed. Do you recall with specificity what I've
10 stated in the sentence on each count?

11 THE DEFENDANT: Yes.

12 THE COURT: Supervised release period?

13 THE DEFENDANT: Yes.

14 THE COURT: No fine, but the cost of Court. Do you
15 understand that?

16 THE DEFENDANT: Right.

17 THE COURT: And, sir, you have a right to appeal
18 this sentence. If you choose to do so, it must be done within
19 14 days of the entry of the judgment. If you cannot afford
20 counsel to assist you in that appeal, counsel will be
21 appointed to represent you. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: And if you cannot afford to process the
24 appeal, all you need to do is file what's called an in forma
25 pauperis petition which indicates that you cannot afford the

1 paperwork basically and the fees and that will be done by the
2 Clerk of Court on your behalf. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I reduced the sentence because of all
5 the people who were here to support you, and I will accept
6 your representation that you are a changed human being by
7 reason of the trauma that you've gone through and the trauma
8 that I expect you and you expect to go through for the next
9 extended number of years.

10 There is always the possibility of redemption, but
11 you've dug such a deep hole for yourself that you've tied my
12 hands as a Judge to give you any less time of incarceration,
13 because regardless of whether you contest it now, at the time
14 when you had an opportunity to do so, you entered a plea of
15 guilty to these offenses, and I'm duty bound by the law to do
16 what I have to do.

17 It's never too late in your life to do the right
18 thing. I trust you'll turn it around.

19 THE DEFENDANT: Thank you.

20 THE COURT: To those of you who've come in his
21 support, I appreciate that you were here. It is not the end
22 of the world. One of these days he will be released and
23 whether it's five years earlier than I had said before or
24 later, depending upon his good conduct, he's going to need you
25 and need your support, and I trust you'll be there for him

1 then to keep him out of trouble or help him stay out of
2 trouble. In the end, the decision's up to him.

3 I would as an aside recommend to you, and I happen
4 to see this just myself the other night, a presentation on
5 incarcerated individuals. I don't know if any of you saw
6 that. You saw that?

7 Well, for the rest -- well, you should share it with
8 the rest of them to see and hear some men in Angola,
9 Louisiana, one of the worst prisons historically in the
10 country, talk about their sentences, who they are now and what
11 they were before and how much longer they have to stay, some
12 for the rest of their lives.

13 I don't know that you'll ever be able to see that,
14 but if you ever get a chance to, Mr. Jackson, you might want
15 to see that, too. Because they're men who are -- some of them
16 are like 70 and 80 years of age who will still never get out
17 of prison. So in some respects, you can consider yourself
18 very fortunate.

19 Anything further?

20 MR. WILSON: Your Honor, there was one other matter.
21 I know Your Honor's making a recommendation to Fairton. My
22 client -- and this was addressed the last time we convened,
23 but there really wasn't much of a hearing at that time, but
24 there was discussion about his getting surgery and is being on
25 the list for surgery.

1 And I know that Your Honor's had the advantage of
2 speaking to somebody over at the Federal Detention Center,
3 that I don't have that advantage. But he is under the
4 impression that his surgery is on hold now because it was
5 supposed to be at Hahnemann, and he's wondering if there can
6 be some deferral of the implementation of his sentence to
7 still try and get the surgery done while he's here at the FDC.
8 And I don't know whether Your Honor would consider deferring
9 the imposition of the sentence at this point or not.
10 Obviously, the sentence -- it wouldn't change the sentence,
11 but if Your Honor would consider deferring it for
12 approximately 60 days to see if he can get the surgery, I
13 don't know. And -- and I know Your Honor has talked to the
14 Legal Department specifically as to what they're doing with
15 respect to any surgery.

16 THE COURT: And the Court has no control over that
17 -- none. That is between the Bureau of Prisons and
18 physicians. And the understanding that I have is that once he
19 is transferred, they will address it at that time with a
20 physician and it will go from there, but I don't have any
21 ability or authority over that.

22 THE DEFENDANT: Okay.

23 THE COURT: Anything further?

24 THE DEFENDANT: I want to ask about the
25 recommendation to Fairton.

1 THE COURT: Yes, sir.

2 THE DEFENDANT: Currently I'm in USP McCreary at
3 Kentucky.

4 THE COURT: Yes, sir.

5 THE DEFENDANT: I'm supposed to come down from the
6 USP two months before I came on RIC so I'm assuming as soon as
7 I go back up there, I probably be there for a few months, then
8 drop down to medium custody. Then I'll be able to go to
9 Fairton because I gotta be medium or I gotta have a managed
10 variable to go to Fairton.

11 THE COURT: Again, that's something that's run by
12 the Bureau of Prisons and the Trial Judge has absolutely no
13 authority in that regard whatsoever.

14 THE DEFENDANT: So even though it's recommended, is
15 it -- it's not for sure that --

16 THE COURT: That's right. I can recommend as I've
17 recommended a lot of places for people to be held and serve
18 their sentence, frankly, because they were physically
19 proximate to Philadelphia so people could go and visit them.
20 Their relatives could go and visit them.

21 But in the end, if the Bureau of Prisons says, no,
22 we can't accommodate that request, Judge, there's nothing the
23 Judge can do. I can't order that.

24 THE DEFENDANT: Okay.

25 THE COURT: I can just make a recommendation.

1 THE DEFENDANT: Okay.

2 THE COURT: As long as I'm recommending, I recommend
3 that over the next years, you do what one of the other
4 defendants I had do, and that is, put some of that money aside
5 for your children if you care as much about them as you say
6 you do -- and let them -- and mail them a check. Put it on
7 the -- on the voucher so that the mothers can come and get
8 that money and support your child. You have a daughter,
9 right?

10 THE DEFENDANT: Yeah, right.

11 THE COURT: How old is she?

12 THE DEFENDANT: 13.

13 THE COURT: Well, if you believe in her and you want
14 her to be raised the way you say you should and you want her
15 to be, then help pay for her.

16 THE DEFENDANT: Right. Well, the only problem with
17 that is, I'm going to bill myself. I don't have no income.
18 All my income come from the outside. So I can't make money.
19 I mean, I can make money in here. I mean, I can get a job.

20 THE COURT: Well, that's what that guy did, that I
21 had this past week. He worked in prison.

22 THE DEFENDANT: That's cool, but, I mean, I'm with
23 that, like, you know, we should support the family, all of us.

24 THE COURT: We're talking a 25-year sentence here.

25 THE DEFENDANT: Yeah.

1 THE COURT: You have plenty of time to make some
2 money and send it to your child -- children --

3 THE DEFENDANT: Right.

4 THE COURT: -- simple as that.

5 THE DEFENDANT: Okay.

6 THE COURT: All right. You've got to man up. Thank
7 you very much. Yes, ma'am?

8 MS. DeVAUGHN: I know this is a little far-fetched,
9 but I -- I still want to ask you. I haven't seen my son since
10 May 11th. I just want to know can I hug him before he goes
11 back, Your Honor?

12 THE COURT: I have absolutely no authority to do
13 that.

14 MS. DeVAUGHN: Okay.

15 THE COURT: That's the United States Marshal's
16 Service.

17 MS. DeVAUGHN: Okay.

18 THE COURT: I'm sorry, but I just don't have the
19 authority.

20 MS. DeVAUGHN: Okay.

21 MR. WILSON: Thank you, Your Honor.

22 THE COURT: Thank you. We're adjourned.

23 (Proceedings concluded at 4:51 p.m.)

24 * * *

25

C E R T I F I C A T I O N

I, Lois A. Vitarelli, court approved transcriber,
certify that the foregoing is a correct transcript from the
official electronic sound recording of the proceedings in the
above-entitled matter.

/s/Lois Vitarelli

November 24, 2020

LOIS A. VITARELLI

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